



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,417	03/30/2004	Sumit Agarwal	16113-641001	1265
26192 7590 06/27/2008				
FISH & RICHARDSON P.C.				
PO BOX 1022				
MINNEAPOLIS, MN 55440-1022				
EXAMINER				
PHAM, MICHAEL				
ART UNIT		PAPER NUMBER		
2167				
MAIL DATE		DELIVERY MODE		
06/27/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/812,417

Applicant(s)

AGARWAL ET AL.

Examiner

MICHAEL D. PHAM

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5, 6 and 8-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 6 and 8-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

Note

1. After discussion with applicant's representative, issues were raised in regards to the use of the provisional application. It was decided by Quality Assurance Specialists Will Grant and Brian Johnson to re-open the case. Accordingly, a new office action is set forth below.

Status of claims

2. Claims 1, 3, 5-6, 8-32 are pending.

Information Disclosure Statement

3. The Information disclosure statements submitted November 16, 2005 as well as on March 2, 2007 has already been considered in view of the record.

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: what comprises a computer-readable medium is not in the specifications.

5. Claim 31 is objected to because of the following informalities: Claim 31 recite several instances of the phrase "operable to" which suggests or makes optional but does not require the steps to be performed or does not limit a claim to a particular structure. See MPEP 2111.04.

Limitations, as is, are not being positively claimed. The examiner respectfully suggests removing this phrase, to more positively claim the limitation.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

a. Claims 30-31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

MPEP 2106.01:

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” Both types of “descriptive material” are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”).

Art Unit: 2167

Claims 30 and 31 recite “a system”. However claims 30 and 31 fail to contain any computer hardware that is used to implement the system so as to realize the functionality. Contrary to arguments made by some applicants, use of the word “system” does not inherently mean that the claim is directed to a machine. Only if at least one of the claimed elements of the system is a physical part of a device can the system as claimed constitute part of a device or a combination of devices to be a machine within the meaning of 101. Applicant’s provide further evidence on paragraph 0079, that the system may be hardware, software, or a combination thereof. Thus the body of claims 30 and 31 are merely an abstract idea and is being processed without any computer manipulation.

b. Claim 29 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Interim Guidelines for examination of Patent Applications for Patent subject matter eligibility states, page 51:

When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored in a computer-readable medium, in a computer, on an electromagnetic carrier signal does not make it statutory. See Diehr, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in Benson were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”). Such a result would exalt form over substance. In re Sarkar, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978) (“[E]ach invention must be evaluated as claimed; yet semantogenic considerations preclude a determination based solely on words appearing in the claims. In the final analysis under § 101, the claimed invention, as a whole, must be evaluated for what it is.”) (quoted with approval in Abele, 684 F.2d at 907, 214 USPQ at 687). See also In re Johnson, 589 F.2d 1070, 1077, 200 USPQ 199, 206 (CCPA 1978) (“form of the claim is often an exercise in drafting”). Thus, nonstatutory music is not a computer component and it does not become statutory by merely recording it on a compact disk. Protection for this type of work is provided under the copyright law.

In particular claim 29 fails to place the invention squarely within one statutory class of invention. The context of term a computer-readable medium would fairly suggest to one of ordinary skill signals or other forms of propagation and transmission media, typewritten, or handwritten text on paper or other items failing to be appropriate manufacture under 35 USC 101 in the context of computer-related inventions. As such, the claim is drawn to a form of energy. Energy is not one of the four categories of invention and therefore this claim(s) is/are not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and is therefore not a composition of matter.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 31 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant states that the claimed devices are “operable to” provide the limitations of claim 31. It is unclear what Applicant’s intended metes and bounds of the claim are.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1, 10, 17-18, and 24-27, 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2005/0131918 by Hillis (hereafter Hillis) further in view of U.S. Patent Application Publication 2004/0107363 by Monteverde (hereafter Monteverde).**

Claim 1:

Hillis discloses the following claimed limitations:

“Selecting one or more evaluators to rate a document;”[0027, once the content to be evaluated has been designated by the user, the system consults an evaluation profile. 0027, it may be unique to the particular user requesting evaluation of the content. 0027, evaluation profile indicates which evaluation systems should be queried and how the ratings returned by the evaluation systems should be combined to determine the combined rating. 0029, if the available ratings are not sufficient, the system informs the user via the client 2000 that a reliable combined rating could not be determined. 0030, if the available ratings are sufficient, the ratings are combined as specified by the evaluation profile. Support in the provisional 60/529245 can be found on page 5 line 10 user profile specifies which reputation systems the user considers reliable. Page 5 line 6-9, reputation systems return set of statistics and rating for content. Page 4

line 17-19, trust profile combining multiple reputation systems to yield a reliable measure of the trustworthiness of a particular piece of content located within a large database of annotated content. Accordingly, selecting one or more evaluators to rate a document (0027, which evaluation systems should be queried and how the ratings returned by the evaluation systems should be combined to determine the combined rating).]

“Passing the document to the one or more evaluators;” [0027, once the content to be evaluated has been designated by the user, the system consults an evaluation profile. 0027, it may be unique to the particular user requesting evaluation of the content. 0027, evaluation profile indicates which evaluation systems should be queried. Support in the provisional 60/529245 can be found on page 5 line 6, each reputation system returns a set of statistics for a given piece of content within the database. Accordingly, passing the document (0027, content) to the one or more evaluators (0027, evaluation profile indicates which evaluation systems should be queried).]

“Receiving rating information associated with contents of the document from the one or more evaluators;” [0028, each of the evaluation systems that have evaluated the content of interest returns a rating. Support in the provisional 60/529245 can be found on page 5 line 9, reputation system may return rating. Accordingly, receiving rating information (0028, returns a rating) associated with the contents of the document (0028, content) from the one or more evaluators (0028, evaluation systems).]

“receiving a signal relevant to a criteria; and” [0042, where the rating does not meet a threshold set by the user is not displayed by the client. Support in the provisional 60/529245 can

be found on page 5 lines 22-23, a threshold may be set and only content with an evaluation exceeding the designated threshold returned. Accordingly, receiving a signal relevant to a criteria (0042, threshold)]

“Determining whether to deliver the document in response to the signal based on the criteria and the aggregate rating.” [0042, where the rating does not meet a threshold set by the user is not displayed by the client. Support can be found page 5 lines 22-23, during searches for content, a threshold may be set and only content with an evaluation exceeding the designated threshold returned. Accordingly, determining whether to deliver the document (0042, displayed) in response to the signal based on the criteria (0028, threshold) and the aggregate rating (0028, rating)]

Hillis does not explicitly disclose

“Identifying at least one trust score, wherein the at least one trust score is associated with a specific one of the one or more evaluators;”

“Determining an aggregate rating for the document based on the rating information and the at least one trust score;”

However, Monteverde does disclose the following in figures 1 and 3. Figure 1 element 11 provides an analytical result thereby communicating the trustworthiness of an internet site. Figure 3 element 21 discloses criterion influence upon or relevance to the anticipated trustworthiness of the internet site. Figure 3 discloses that each criterion 21 has a numerical point value 22 which is assigned or awarded to the internet site if that criterion 21 is met.

Accordingly, identifying at least one trust score (figure 3 element 22, a point value), wherein the at least one trust score is associated with a specific one or more evaluators (figure 3 element 21, criteria); and determining an aggregate rating (figure 1 and 2 element 11, an analytical result) for the document (abstract, internet site) based on the rating information (figure 3 element 21, criteria) and the at least one trust score (figure 3 element 22, a point value) is suggested.

Both Hillis and Monteverde are directed to trust systems. It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have applied Monteverde's disclosure of the elements in figures 1 and 3 for the purpose of improving user trusts of internet sites and content.

Claim 10:

The combination of Hillis and Monteverde discloses in Hillis "The method of claim 1, wherein at least one trust score is based on an industry associated with the specific one of the one or more evaluators" [0023, the ratings obtained from each evaluation system are numeric. For example, and evaluation system may return a numeric rating between -1 and 1. 0025, numerical credibility may be assigned, reflecting notions such as trustworthiness, reliability, accuracy, and impartiality. 0039, a different evaluation profile may be used for entertainment reviews, or for technical literature. Support in the provisional 60/529245 can be found on page 5 line 6, reputation system returns a set of statistics for a given piece of content. Page 5 line 8, statistics indicate the reliability and trustworthiness of the content. For example, the reputation system

Art Unit: 2167

may return a rating between -1 and 1. Page 5 lines 11-12, for a given purpose, for example entertainment reviews, the reputation considered reliable are combined to determine an overall evaluation of the trustworthiness of the content].

Claim 17:

The combination of Hillis and Monteverde discloses in Hillis “The method of claim 1, wherein the document comprises at least one of a web page, content that can be used in a web page, and a program.” [0005, world wide web allows users to evaluate content found within the site. Support in the provisional 60/529245 can be found, page 4 line 4, web based material]

Claim 18:

The combination of Hillis and Monteverde discloses in Hillis “The method of claim 1, further comprising: selecting one or more evaluators to evaluate the document.” [0027, indicates which evaluation systems should be queried, And how the ratings returned by the evaluation systems should be combined to determine the combined rating. Support in the provisional 60/529245 can be found on page 5 line 10 user profile specifies which reputation systems the user considers reliable. page 5 line 6-9, reputation systems return set of statistics and rating for content.]

Claim 24:

The combination of Hillis and Monteverde discloses in Hillis “The method of claim 1, wherein the aggregate rating comprises a quantity.” [0030, the ratings may be combined by any number of methods. In the case of numerical values, the ratings may be combined by an averaging

scheme, preferably a weighed average schema. Support in the provisional 60/529245 can be found on page 11 line 36, the ratings are combined using a weighted average.]

Claim 25:

The combination of Hillis and Monteverde discloses in Hillis “The method of claim 1, wherein the aggregate rating comprises a mean of the rating information.” [0030, the ratings may be combined by any number of methods. In the case of numerical values, the ratings may be combined by an averaging scheme, preferably a weighed average schema. Support in the provisional 60/529245 can be found on page 11 line 36, the ratings are combined using a weighted average]

Claim 26:

The combination of Hillis and Monteverde discloses in Hillis “The method of claim 1, wherein the aggregate rating comprises a mode of the rating information” [0030, medians and modes may be computed to discern a consensus among the evaluation system. Support in the provisional 60/529245 can be found page 12 line 1.]

Claim 27:

The combination of Hillis and Monteverde discloses in Hillis “The method of claim 1, wherein the aggregate rating comprises a median of the rating information.” [0030, medians and modes may be computed to discern a consensus among the evaluation system. Support in the provisional 60/529245 can be found page 12 line 1.]

Claim 29:

Hillis discloses the following claimed limitations:

“Select one or more evaluators to rate a document;”[0027, once the content to be evaluated has been designated by the user, the system consults an evaluation profile. 0027, it may be unique to the particular user requesting evaluation of the content. 0027, evaluation profile indicates which evaluation systems should be queried and how the ratings returned by the evaluation systems should be combined to determine the combined rating. 0029, if the available ratings are not sufficient, the system informs the user via the client 2000 that a reliable combined rating could not be determined. 0030, if the available ratings are sufficient, the ratings are combined as specified by the evaluation profile. Support in the provisional 60/529245 can be found on page 5 line 10 user profile specifies which reputation systems the user considers reliable. Page 5 line 6-9, reputation systems return set of statistics and rating for content. Page 4 line 17-19, trust profile combining multiple reputation systems to yield a reliable measure of the trustworthiness of a particular piece of content located within a large database of annotated content. Accordingly, select one or more evaluators to rate a document (0027, which evaluation systems should be queried and how the ratings returned by the evaluation systems should be combined to determine the combined rating).]

“Pass the document to the one or more evaluators;” [0027, once the content to be evaluated has been designated by the user, the system consults an evaluation profile. 0027, it may be unique to the particular user requesting evaluation of the content. 0027, evaluation profile indicates which evaluation systems should be queried. Support in the provisional 60/529245 can be found on page 5 line 6, each reputation system returns a set of statistics for a given piece of content within the database. Accordingly, pass the document (0027, content) to

the one or more evaluators (0027, evaluation profile indicates which evaluation systems should be queried).]

“Receive rating information associated with the content of the document from the one or more evaluators;” [0028, each of the evaluation systems that have evaluated the content of interest returns a rating. Support in the provisional 60/529245 can be found on page 5 line 9, reputation system may return rating. Accordingly, receive rating information (0028, returns a rating) associated with the contents of the document (0028, content) from the one or more evaluators (0028, evaluation systems).]

“Receive a signal relevant to a criteria; and” [0042, where the rating does not meet a threshold set by the user is not displayed by the client. Support in the provisional 60/529245 can be found on page 5 lines 22-23, a threshold may be set and only content with an evaluation exceeding the designated threshold returned. Accordingly, receiving a signal relevant to a criteria (0042, threshold)]

“Determine whether to deliver the document in response to the signal based on the criteria and the aggregate rating.” [0042, where the rating does not meet a threshold set by the user is not displayed by the client. Support in the provisional 60/529245 can be found page 5 lines 22-23, during searches for content, a threshold may be set and only content with an evaluation exceeding the designated threshold returned. Accordingly, determine whether to deliver the document (0042, displayed) in response to the signal based on the criteria (0028, threshold) and the aggregate rating (0028, rating)]

Hillis does not explicitly disclose

“Identify at least one trust score, wherein the at least one trust score is associated with a specific one of a plurality of evaluators;”

“Determine an aggregate rating for the document based on the rating information and the at least one trust score;”

However, Monteverde does disclose the following in figures 1 and 3. Figure 1 element 11 provides an analytical result thereby communicating the trustworthiness of an internet site. Figure 3 element 21 discloses criterion influence upon or relevance to the anticipated trustworthiness of the internet site. Figure 3 discloses that each criterion 21 has a numerical point value 22 which is assigned or awarded to the internet site if that criterion 21 is met.

Accordingly, identifying at least one trust score (figure 3 element 22, a point value), wherein the at least one trust score is associated with a specific one or more evaluators (figure 3 element 21, criteria); and determining an aggregate rating (figure 1 and 2 element 11, an analytical result) for the document (abstract, internet site) based on the rating information (figure 3 element 21, criteria) and the at least one trust score (figure 3 element 22, a point value) is suggested.

Both Hillis and Monteverde are directed to trust systems. It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have applied Monteverde's disclosure of the elements in figures 1 and 3 for the purpose of improving user trusts of internet sites and content.

Claim 30:

Hillis discloses the following claimed limitations:

“Selecting means for selecting one or more evaluators to rate a document;” [0027, once the content to be evaluated has been designated by the user, the system consults an evaluation profile. 0027, it may be unique to the particular user requesting evaluation of the content. 0027, evaluation profile indicates which evaluation systems should be queried and how the ratings returned by the evaluation systems should be combined to determine the combined rating. 0029, if the available ratings are not sufficient, the system informs the user via the client 2000 that a reliable combined rating could not be determined. 0030, if the available ratings are sufficient, the ratings are combined as specified by the evaluation profile. Support in the provisional 60/529245 can be found on page 5 line 10 user profile specifies which reputation systems the user considers reliable. Page 5 line 6-9, reputation systems return set of statistics and rating for content. Page 4 line 17-19, trust profile combining multiple reputation systems to yield a reliable measure of the trustworthiness of a particular piece of content located within a large database of annotated content. Accordingly, selecting means for selecting one or more evaluators to rate a document (0027, which evaluation systems should be queried and how the ratings returned by the evaluation systems should be combined to determine the combined rating).]

“Passing means for passing the document to the one or more evaluators;” [0027, once the content to be evaluated has been designated by the user, the system consults an evaluation profile. 0027, it may be unique to the particular user requesting evaluation of the content. 0027, evaluation profile indicates which evaluation systems should be queried. Support in the

provisional 60/529245 can be found on page 5 line 6, each reputation system returns a set of statistics for a given piece of content within the database. Accordingly, passing means for passing the document (0027, content) to the one or more evaluators (0027, evaluation profile indicates which evaluation systems should be queried).]

“Rating receiving means for receiving rating information associated with a content of the document from the one or more evaluators;” [0028, each of the evaluation systems that have evaluated the content of interest returns a rating. Support in the provisional 60/529245 can be found on page 5 line 9, reputation system may return rating. Accordingly, rating receiving means for receiving rating information (0028, returns a rating) associated with the contents of the document (0028, content) from the one or more evaluators (0028, evaluation systems).]

“Signal receiving means for receiving a signal relevant to a criteria; and” [0042, where the rating does not meet a threshold set by the user is not displayed by the client. Support in the provisional 60/529245 can be found on page 5 lines 22-23, a threshold may be set and only content with an evaluation exceeding the designated threshold returned. Accordingly, signal receiving means for receiving a signal relevant to a criteria (0042, threshold)]

“Determination means for determining whether to deliver the document in response to the signal based on the criteria and the aggregate rating.” [0042, where the rating does not meet a threshold set by the user is not displayed by the client. Support in the provisional 60/529245 can be found page 5 lines 22-23, during searches for content, a threshold may be set and only content with an evaluation exceeding the designated threshold returned. Accordingly, determination means for determining whether to deliver the document (0042, displayed) in response to the signal based on the criteria (0028, threshold) and the aggregate rating (0028, rating)]

Hillis does not explicitly disclose

Identifying means for identifying at least one trust score, wherein the at least one trust score;

Determining means for determining an aggregate rating for the document based on the rating information and the at least one trust score;

However, Monteverde does disclose the following in figures 1 and 3. Figure 1 element 11 provides an analytical result thereby communicating the trustworthiness of an internet site. Figure 3 element 21 discloses criterion influence upon or relevance to the anticipated trustworthiness of the internet site. Figure 3 discloses that each criterion 21 has a numerical point value 22 which is assigned or awarded to the internet site if that criterion 21 is met.

Accordingly, Identifying means for identifying at least one trust score (figure 3 element 22, a point value), wherein the at least one trust score is associated with a specific one or more evaluators (figure 3 element 21, criteria); and Determining means for determining an aggregate rating (figure 1 and 2 element 11, an analytical result) for the document (abstract, internet site) based on the rating information (figure 3 element 21, criteria) and the at least one trust score (figure 3 element 22, a point value) is suggested.

Both Hillis and Monteverde are directed to trust systems. It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have applied

Monteverde's disclosure of the elements in figures 1 and 3 for the purpose of improving user trusts of internet sites and content.

Claim 31:

Hillis discloses the following claimed limitations:

“A selecting device operable to select one or more evaluators to rate a document;” [0027, once the content to be evaluated has been designated by the user, the system consults an evaluation profile. 0027, it may be unique to the particular user requesting evaluation of the content. 0027, evaluation profile indicates which evaluation systems should be queried and how the ratings returned by the evaluation systems should be combined to determine the combined rating. 0029, if the available ratings are not sufficient, the system informs the user via the client 2000 that a reliable combined rating could not be determined. 0030, if the available ratings are sufficient, the ratings are combined as specified by the evaluation profile. Support in the provisional 60/529245 can be found on page 5 line 10 user profile specifies which reputation systems the user considers reliable. Page 5 line 6-9, reputation systems return set of statistics and rating for content. Page 4 line 17-19, trust profile combining multiple reputation systems to yield a reliable measure of the trustworthiness of a particular piece of content located within a large database of annotated content. Accordingly, a selecting device operable to select one or more evaluators to rate a document (0027, which evaluation systems should be queried and how the ratings returned by the evaluation systems should be combined to determine the combined rating).]

“A passing device operable to pass the document to the one or more evaluators;” [0027, once the content to be evaluated has been designated by the user, the system consults an evaluation profile. 0027, it may be unique to the particular user requesting evaluation of the content. 0027, evaluation profile indicates which evaluation systems should be queried. Support in the provisional 60/529245 can be found on page 5 line 6, each reputation system returns a set of statistics for a given piece of content within the database. Accordingly, a passing device operable to pass the document (0027, content) to the one or more evaluators (0027, evaluation profile indicates which evaluation systems should be queried).]

“A rating receiving device operable to receive rating information associated with a content of the document from the one or more evaluators;” [0028, each of the evaluation systems that have evaluated the content of interest returns a rating. Support in the provisional 60/529245 can be found on page 5 line 9, reputation system may return rating. Accordingly, receiving rating information (0028, returns a rating) associated with the contents of the document (0028, content) from the one or more evaluators (0028, evaluation systems).]

“A signal receiving device operable to receive a signal relevant to a criteria; and” [0042, where the rating does not meet a threshold set by the user is not displayed by the client. Support in the provisional 60/529245 can be found on page 5 lines 22-23, a threshold may be set and only content with an evaluation exceeding the designated threshold returned. Accordingly, a signal receiving device operable to receive a signal relevant to a criteria (0042, threshold)]

“A determination device operable to determine whether to deliver the document in response to the signal based on the criteria and the aggregate rating.” [0042, where the rating does not meet a threshold set by the user is not displayed by the client. Support in the

provisional 60/529245 can be found page 5 lines 22-23, during searches for content, a threshold may be set and only content with an evaluation exceeding the designated threshold returned. Accordingly, a determination device operable to determine whether to deliver the document (0042, displayed) in response to the signal based on the criteria (0028, threshold) and the aggregate rating (0028, rating)]

Hillis does not explicitly disclose

“An identification device operable to identify at least one trust score, wherein the at least one trust score is associated with a specific one of a plurality of evaluators;”

“A determination device operable to determine an aggregate rating for the document based on the rating information and the at least one trust score”

However, Monteverde does disclose the following in figures 1 and 3. Figure 1 element 11 provides an analytical result thereby communicating the trustworthiness of an internet site. Figure 3 element 21 discloses criterion influence upon or relevance to the anticipated trustworthiness of the internet site. Figure 3 discloses that each criterion 21 has a numerical point value 22 which is assigned or awarded to the internet site if that criterion 21 is met.

Accordingly, an identification device operable to identify at least one trust score (figure 3 element 22, a point value), wherein the at least one trust score is associated with a specific one or more evaluators (figure 3 element 21, criteria); and a determination device operable to determine an aggregate rating (figure 1 and 2 element 11, an analytical result) for the document (abstract,

internet site) based on the rating information (figure 3 element 21, criteria) and the at least one trust score (figure 3 element 22, a point value) is suggested.

Both Hillis and Monteverde are directed to trust systems. It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have applied Monteverde's disclosure of the elements in figures 1 and 3 for the purpose of improving user trusts of internet sites and content.

Claim 32:

Hillis discloses the following claimed limitations:

“Selecting a plurality of evaluators to rate a document;” [0027, once the content to be evaluated has been designated by the user, the system consults an evaluation profile. 0027, it may be unique to the particular user requesting evaluation of the content. 0027, evaluation profile indicates which evaluation systems should be queried and how the ratings returned by the evaluation systems should be combined to determine the combined rating. 0029, if the available ratings are not sufficient, the system informs the user via the client 2000 that a reliable combined rating could not be determined. 0030, if the available ratings are sufficient, the ratings are combined as specified by the evaluation profile. Support in the provisional 60/529245 can be found on page 5 line 10 user profile specifies which reputation systems the user considers reliable. Page 5 line 6-9, reputation systems return set of statistics and rating for content. Page 4 line 17-19, trust profile combining multiple reputation systems to yield a reliable measure of the

trustworthiness of a particular piece of content located within a large database of annotated content. Accordingly, selecting a plurality of evaluators to rate a document (0027, which evaluation systems should be queried and how the ratings returned by the evaluation systems should be combined to determine the combined rating)]

“Passing the document to the plurality of evaluators;” [0027, once the content to be evaluated has been designated by the user, the system consults an evaluation profile. 0027, it may be unique to the particular user requesting evaluation of the content. 0027, evaluation profile indicates which evaluation systems should be queried. Support in the provisional 60/529245 can be found on page 5 line 6, each reputation system returns a set of statistics for a given piece of content within the database. Accordingly, passing the document (0027, content) to the plurality of evaluators (0027, evaluation profile indicates which evaluation systems should be queried).]

“Receiving rating information for associated with a content of the document from the plurality of evaluators,” [0028, each of the evaluation systems that have evaluated the content of interest returns a rating. Support in the provisional 60/529245 can be found on page 5 line 9, reputation system may return rating. Accordingly, receiving rating information (0028, returns a rating) associated with the contents of the document (0028, content) from the one or more evaluators (0028, evaluation systems).]

Hillis does not explicitly disclose

“wherein each evaluator is associated with a trust score; and”

“Determining an aggregate content rating for the document based on the rating information and the trust score associated with each evaluator.”

However, Monteverde does disclose the following in figures 1 and 3. Figure 1 element 11 provides an analytical result thereby communicating the trustworthiness of an internet site. Figure 3 element 21 discloses criterion influence upon or relevance to the anticipated trustworthiness of the internet site. Figure 3 discloses that each criterion 21 has a numerical point value 22 which is assigned or awarded to the internet site if that criterion 21 is met.

Accordingly, wherein each evaluator (figure 3 element 21, criteria) is associated with a trust score (figure 3 element 22, a point value); and determining an aggregate content rating (figure 1 and 2 element 11, an analytical result) for the document (abstract, internet site) based on the rating information (figure 3 element 21, criteria) and the at least one trust score of the evaluator (figure 3 element 22, a point value) is suggested.

Both Hillis and Monteverde are directed to trust systems. It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have applied Monteverde's disclosure of the elements in figures 1 and 3 for the purpose of improving user trusts of internet sites and content.

13. Claims 3, 5, 6, 22-23, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2005/0131918 by Hillis (hereafter Hillis) and U.S. Patent Application Publication 2004/0107363 by Monteverde (hereafter Monteverde) further in view of U.S. Patent Application Publication 2005/0144297 by Dahlstrom et. al. (hereafter Dahlstrom).

Claim 3:

Hillis and Monteverde do not explicitly disclose “wherein the signal is a request received from an entity, the entity is associated with a suitability standard, and the determining action comprises determining whether the document satisfies the suitability standard.”

However, Dahlstrom teaches “the signal is a request received from an entity, the entity is associated with a suitability standard” [website is found to be appropriate], “and the determining action comprises determining whether the document satisfies the suitability standard.” [See page 2, paragraph [0007] If the website is found to be appropriate for viewing based on the settings, the access request is sent to the computer network layering or protocol to which the original request was routed.]

It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of Hillis and Monteverde with that of Dahlstrom because all are related to evaluating and regulating content on the internet and by including a suitability standard as disclosed in Dahlstrom, the ratings that are derived as disclosed in Hillis and Monteverde can be used to block access to inappropriate materials based on the standard for a particular user. It is for this reason that one of ordinary skill in the art would have been

motivated to include the signal is a request received from an entity, the entity is associated with a suitability standard, and the determining action comprises determining whether the document satisfies the suitability standard.

Claim 5:

Hillis and Monteverde do not explicitly disclose

“selecting the electronic document based on the aggregate rating and the suitability standard.”

However, Dahlstrom teaches “selecting the electronic document based on the aggregate rating and the suitability standard.” [See page 2, paragraph [0007] if the URL is found, a message including URL ratings for the website is sent to the client computer... the client computer compares the URL ratings to the web access settings for the user attempting to access the Internet.]

It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of Hillis and Monteverde with that of Dahlstrom because all are related to evaluating and regulating content on the internet and by including the addition of a suitability standard as disclosed in Dahlstrom, with the aggregate rating as disclosed in Hillis and Monteverde, appropriate relevant documents, based on the standard for a particular user, can be provided. It is for this reason that one of ordinary skill in the art would have been motivated to include determining an aggregate rating based on the rating information; and selecting the electronic document based on the aggregate rating and the suitability standard.

Claim 6:

Hillis and Monteverde do not explicitly disclose “storing the suitability standard in a database; and processing the database to determine the suitability standard.”

However, Dahlstrom discloses, “storing the suitability standard in a database; and processing the database to determine the suitability standard.” [See page 3, paragraph [0030] The cache 108 is preferably implemented as a text file or database that is stored in computer memory. And see page 3, paragraph [0031] the logic module 106 compares the URL ratings to the web access settings for the user attempting to access the Internet 101.]

It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of Hillis and Monteverde with that of Dahlstrom because all are related to evaluating and regulating content on the internet and by including a database as disclosed in Dahlstrom, the method is more robust because multiple user suitability standards can be defined and stored for use on any computer where internet is being accessed. It is for this reason that one of ordinary skill in the art would have been motivated to include “storing the suitability standard in a database; and processing the database to determine the suitability standard.”

Claim 22:

Hillis and Monteverde do not explicitly disclose “the aggregate rating comprises one or more subject ratings, each associated with an evaluation criterion.”

However, Dahlstrom discloses, “the aggregate rating comprises one or more subject [categories] ratings, each associated with an evaluation criterion.” [See page 4, paragraph [0034]

The web access settings defined at operation 218 in FIG. 2 are subdivided into multiple categories for better specification of the subject matter to which access is controlled.]

It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of Hillis and Monteverde with that of Dahlstrom because all are related to evaluating and regulating content on the internet and by including one or more subject ratings, as disclosed in Dahlstrom, the method is detailed because it can be fine tuned for specific things to look for. It is for this reason that one of ordinary skill in the art would have been motivated to include disclose “the aggregate rating comprises one or more subject ratings, each associated with an evaluation criterion.”

Claim 23:

Hillis and Monteverde do not explicitly disclose “wherein the evaluation criterion comprises at least one of sexual content, violent content, adult content, and targeted age.”

However, Dahlstrom discloses, “the evaluation criterion comprises at least one of sexual content, violent content, adult content, and targeted age.” [See page 4, paragraph [0034], the categories within specific control settings are defined include, but are not limited to ‘Language’, ‘sex and nudity’, ‘violence’....]

It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of Hillis and Monteverde with that of Dahlstrom because all are related to evaluating and regulating content on the internet and by including the particular types of subject ratings, as disclosed in Dahlstrom, the method is detailed because it can be fine tuned for specific things to look for. It is for this reason that one of ordinary skill in the art

would have been motivated to include disclose “the evaluation criterion comprises at least one of sexual content, violent content, adult content, and targeted age.”

Claim 28:

The combination of Hillis, Monteverde, and Dahlstrom discloses in Hillis “The method of claim 3, wherein the request is received by at least one of a content provider and a user.”[0042. Support in the provisional 60/529245 can be found page 5 line 21-22]

14. Claims 8, 9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2005/0131918 by Hillis (hereafter Hillis) and U.S. Patent Application Publication 2004/0107363 by Monteverde (hereafter Monteverde) further in view of U.S. Patent 7072888 by Perkins (hereafter Perkins).

Claim 8:

Hillis and Monteverde do not explicitly disclose “the at least one trust score is based on the geographical location of the specific one of the one or more evaluators.”

However, Perkins discloses, “the at least one trust score is based on the geographical location of the specific one of the one or more evaluators.” [See column 3, lines 50-52, Profiles may include information as to whether the user is a home or a business, geographic location, typical spending, etc.]

It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the Hillis, Monteverde, and Perkins because they all are related to feedback from users and by including geographic location as disclosed in Perkins, the method can be more

precise delivering more accurate results. It is for this reason that one of ordinary skill in the art would have been motivated to include “at least one trust score is based on the geographical location of the associated specific one of the plurality of evaluators.”

Claim 9:

Hillis and Monteverde do not explicitly disclose “at least one trust score is based on one or more prior content ratings received from the specific one of the one or more evaluators.”

However, Perkins discloses, “at least one trust score is based on one or more prior content ratings received from the specific one of the one or more evaluators.” [See column 12, lines 44 – 48, The profile not only contains information supplied by the user, but also contains information pertaining to the user’s previous searches, resources visited and ratings of those resources.]

It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the Hillis, Monteverde, and Perkins because they all are related to feedback from users and by including prior content ratings as disclosed in Perkins, the method can be more precise delivering more accurate results. It is for this reason that one of ordinary skill in the art would have been motivated to include “at least one trust score is based on one or more prior content ratings received from the associated specific one of the plurality of evaluators.”

Claim 15:

Hillis and Monteverde do not explicitly disclose “at least one trust score is based on at least one of the geographical location of the specific one of the one or more evaluators and prior rating information received from the specific one of the one or more evaluators.”

However, Perkins discloses, “at least one trust score is based on at least one of the geographical location of the specific one of the one or more evaluators and prior rating information” (ratings of those resources) “received from the specific one of the one or more evaluators.” [See column 3, lines 50-52 Profiles may include information as to whether the user is a home or a business, geographic location, typical spending, etc. And see column 12, lines 44-48 the profile not only contains information supplied by the user, but also contains information supplied pertaining to the user’s previous searches, resources visited and ratings of those resources.]

It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the Hillis, Monteverde, and Perkins because they all are related to feedback from users and by including geographic location as disclosed in Perkins, the method can be more precise delivering more accurate results. It is for this reason that one of ordinary skill in the art would have been motivated to include “at least one of the plurality of trust scores is based on at least one of the geographical location of the associated evaluator and prior rating information received from the evaluator.”

15. Claims 11-13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2005/0131918 by Hillis (hereafter Hillis) and U.S.

Patent Application Publication 2004/0107363 by Monteverde (hereafter Monteverde) further in view of U.S. Patent 2003/0014428 by Mascarenhas (hereafter Mascarenhas).

Claim 11:

Hillis and Monteverde do not explicitly disclose “at least one trust score is based on a rating deviation of an evaluator, wherein the rating deviation is based on a comparison of (i) rating information for one or more documents received from the evaluator and (ii) rating information for the one or more documents received from one or more other evaluators.”

However, Mascarenhas discloses, “at least one trust score is based on a rating deviation of an evaluator, wherein the rating deviation is based on a comparison of (i) rating information for one or more documents received from the evaluator and (ii) rating information for the one or more documents received from one or more other evaluators.” [See page 3, paragraph [0044] An optional interface for acquiring profiles of experts: Input from each expert source may be normalized for certain variables, based on attributes measured for that expert source. For example, mean ratings and distributions collected and analyzed from each expert source may allow that expert’s rating input to be expressed as standard deviations from the mean.]

It would have been obvious to one with ordinary skill in the art to combine Hillis and Monteverde with that of Mascarenhas because all are related to rating content and by including the rating deviation as disclosed in Mascarenhas, a more accurate method is developed because the scores can be adjusted if they are consistently inconsistent with other evaluators. It is for this reason that one of ordinary skill in the art would have been motivated to include “at least one trust score is based on a rating deviation of an evaluator, wherein the rating deviation is based on a comparison of (i) rating information for one or more documents received from the evaluator

and (ii) rating information for the one or more documents received from one or more other evaluators.”

Claim 12:

Hillis and Monteverde do not explicitly disclose “at least one trust score is based on a rating deviation of an evaluator, wherein the rating deviation is based on a comparison of (i) rating information for one or more documents received from the evaluator and (ii) aggregate ratings for the one or more documents.”

However, Mascarenhas discloses “at least one trust score is based on a rating deviation of an evaluator, wherein the rating deviation is based on a comparison of (i) rating information for one or more documents received from the evaluator and (ii) aggregate ratings” [composite rating] “for the one or more documents.” [See page 3, paragraph [0044] An optional interface for acquiring profiles of experts: Input from each expert source may be normalized for certain variables, based on attributes measured for that expert source. For example, mean ratings and distributions collected and analyzed from each expert source may allow that expert’s rating input to be expressed as standard deviations from the mean. And see page 3, paragraph [0041] A composite rating may be computed from the mean of multiple ratings received under a single taxonomic category.]

It would have been obvious to one with ordinary skill in the art to combine Hillis and Monteverde with that of Mascarenhas because all are related to rating content and by including the rating deviation as disclosed in Mascarenhas, a more accurate method is developed because

the scores can be adjusted if they are consistently inconsistent with other evaluators. It is for this reason that one of ordinary skill in the art would have been motivated to include “at least one trust score is based on a rating deviation of an evaluator, wherein the rating deviation is based on a comparison of (i) rating information for one or more documents received from the evaluator and (ii) rating information for the one or more documents received from one or more other evaluators.”

Claim 13:

Hillis and Monteverde do not explicitly disclose “the at least one trust score is based on rating information previously received from the specific one of the one or more evaluators for one or more documents.”

However, Mascarenhas discloses “the at least one trust score is based on rating information” (expert’s rating input) “previously received from the specific one of the one or more evaluators for one or more documents.” [See page 3, paragraph [0044] An optional interface for acquiring profiles of experts: Input from each expert source may be normalized for certain variables, based on attributes measured for that expert source. For example, mean ratings and distributions collected and analyzed from each expert source may allow that expert’s rating input to be expressed as standard deviations from the mean. Here, the trust score is based on prior ratings as well.]

It would have been obvious to one with ordinary skill in the art to combine Hillis and Monteverde with that of Mascarenhas because all are related to rating content and by including the rating deviation as disclosed in Mascarenhas, a more accurate method is developed because

the scores can be adjusted if they are consistently inconsistent with other evaluators. It is for this reason that one of ordinary skill in the art would have been motivated to include “the trust score of an evaluator is based on rating information previously received from the evaluator for one or more documents.”

Claim 21:

Hillis and Monteverde do not explicitly disclose “receiving new rating information for the document; and processing the new rating information to determine a revised rating associated with the document.”

However, Mascarenhas discloses “receiving new rating information for the document; and processing the new rating information to determine a revised rating associated with the document.” (See page 14, paragraph [0224] Another user who would review the same document and provide a similar rating could very well select different categories and different significance ratings even for the same categories. In a preferred embodiment, these different significance vector values are averaged and the resulting vector with the averages is saved with the document along with a ‘number of raters’ value which is used to compute the new average.)

It would have been obvious to one with ordinary skill in the art to combine Hillis and Monteverde with that of Mascarenhas because all are related to rating content and by including the revised rating as disclosed in Mascarenhas, a more accurate rating is developed because the scores are adjusted to consider the new evaluators. It is for this reason that one of ordinary skill in the art would have been motivated to include “receiving new rating information for the

document; and processing the new rating information to determine a revised rating associated with the document.”

16. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2005/0131918 by Hillis (hereafter Hillis) and U.S. Patent Application Publication 2004/0107363 by Monteverde (hereafter Monteverde) further in view of U.S. Patent Application Publication 2004/0199584 by Kirshenbaum (hereafter Kirshenbaum).

Claim 14:

Hillis and Monteverde do not explicitly disclose "determining one or more revised trust scores for one or more of the one or more evaluators; and determining a revised aggregate rating based on the one or more revised trust scores.”

However, Kirshenbaum discloses “determining one or more revised trust scores” (credibility) “for one or more of the one or more evaluators” (users) ; and determining a revised aggregate rating based on the one or more revised trust scores.” [See page 3, paragraph [0025] Those users (e.g., 12) who have previously provided reliable and useful feedback are given more credibility in their future feedback, and user models change more quickly in response to feedback from more credible users.]

It would have been obvious to one with ordinary skill in the art at the time of the invention combine Hillis, Monteverde, and Kirshenbaum because all are related to acquiring feedback or ratings on content and by including a revised trust score as taught in Kirshenbaum,

the method is more accurate, taking into account that trust scores can change over time. It is for this reason that one of ordinary skill in the art would have been motivated to include “determining one or more revised trust scores for one or more of the plurality of evaluators; and determining a revised aggregate rating” (user models) “based on the one or more revised trust scores.”

17. Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2005/0131918 by Hillis (hereafter Hillis) and U.S. Patent Application Publication 2004/0107363 by Monteverde (hereafter Monteverde) further in view of U.S. Patent Application Publication 20050204276 by Hosea et. al. (hereafter Hosea).

Claim 16:

Hillis and Monteverde do not explicitly disclose “wherein the document is an advertisement.”

However, Hosea discloses “the document is an advertisement.” [See page 5, paragraph [0043] The components include but are not limited to text, images, advertisements and links to other Web pages.]

It would have been obvious to one with ordinary skill in the art at the time of the invention to combine Hosea with Hillis and Monteverde because all are related to personalization of content and by including advertisements as disclosed in Hillis, the method is optimized to produce better results from the user by showing relevant advertisements. It is for this reason that one of ordinary skill in the art would have been motivated to include “the document is an advertisement”.

18. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2005/0131918 by Hillis (hereafter Hillis) and U.S. Patent Application Publication 2004/0107363 by Monteverde (hereafter Monteverde) further in view of U.S. Patent Application Publication 20050060404 by Ahlander et. al. (hereafter Ahlander).

Claim 19:

Hillis and Monteverde do not explicitly disclose “the one or more evaluators are selected using a random selection algorithm.”

However, Ahlander discloses “the one or more evaluators” [content rater] “are selected using a random selection algorithm.” [See page 3, paragraph [0037] A content rater can be selected, for example randomly based on how long the content rater has been idle, based on policies or a rating service provider, etc.]

It would have been obvious to one with ordinary skill in the art at the time of the invention to combine Hillis, Monteverde, and Ahlander because all are related to evaluating content and by including the random selection as disclosed in Ahlander, the method can be more efficient by not needing to review particular criteria before assigning an evaluator. It is for this reason that one of ordinary skill in the art would have been motivated to include “the plurality of evaluators are selected using a random selection algorithm.”

Claim 20:

Hillis and Monteverde do not explicitly disclose “wherein the criteria comprises a sensitivity score.”

However, Ahlander discloses “the criteria comprises a sensitivity score” (threshold rating). [See page 4, paragraph [0050] Threshold rating 213 can be adjusted to increase the amount of content that is assigned a content rating or increase the accuracy associated with assigned content rating.]

It would have been obvious to one with ordinary skill in the art at the time of the invention to combine Hillis, Monteverde, and Ahlander because all are related to evaluating content and by including a sensitivity rating as disclosed in Ahlander, the method can be more precise by not allowing certain content through for particularly sensitive users, specifically on issues that are of increased importance. It is for this reason that one of ordinary skill in the art would have been motivated to include “the criteria comprises a sensitivity score.”

Response to Arguments

19. Applicant's arguments with respect to claim 1, 3, 5-6, 8-32 have been considered but are moot in view of the new ground(s) of rejection.

Applicant mainly asserts the following in regards to the Hillis reference.

A. The Hillis application is different than the provisional application. That the subject matter used in the rejection must be disclosed in the earlier-filed application in compliance with 35

U.S.C. 112 first paragraph in order for that subject matter to be entitled to the earlier filing date under 35 U.S.C. 102(e).

In response, to the Hillis application is different than the provisional application. The provisional application supports the Hillis application.

In response, MPEP 2136.03 section III states in part that “U.S. application publications and certain international application publications entitled to the benefit of the filing date of a provisional under 35 U.S.C. 119(e) is the filing date of the provisional application with certain exceptions if the provisional application properly supports the subject matter relied upon to make the rejection in compliance with 35 U.S.C. 112 first paragraph.” In regards to the rejection provided above, the Hillis application is utilized, and support for the subject matter in the provisional is provided.

All other assertions are moot in regards to the rejection provided above.

Conclusion

20. The prior art made of record listed on PTO-892 and not relied, if any, upon is considered pertinent to applicant's disclosure.

Contact Information

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924. The examiner can normally be reached on Monday - Friday 9am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/M. D. P./
Examiner, Art Unit 2167

/John R. Cottingham/
Supervisory Patent Examiner, Art Unit
2167

